

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Thomas Grugan

Case Number: 1:04-CR-00094-001

Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr., Senior U.S. District Judge

Date of Original Sentence: October 8, 2004

Original Offense: Coercion and Enticement, 18 U.S.C. § 2422(b)

Original Sentence: 78 months imprisonment and 5 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/21/2011

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

- 1) You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.
- 2) Your supervision may include examinations using a polygraph, computerized voice stress analyzer, or other similar device to obtain information necessary for supervision, case monitoring, and treatment. You shall answer the questions posed during the examination, subject to your right to challenge in a court of law the use of such statements as violations of your Fifth Amendment rights. In this regard, you shall be deemed to have not waived your Fifth Amendment rights. The results of any examinations shall be disclosed to the United States Probation Office and the Court, but shall not be further disclosed without the approval of the Court.
- 3) While in treatment and for the remainder of the term of supervision following completion of treatment, you shall not view, possess, own, subscribe to or purchase any material, including pictures, videotapes, films, magazines, books, telephone services, electronic media, computer programs, or computer services that depict sexually explicit conduct, as defined in 18 U.S.C. 2256(2).

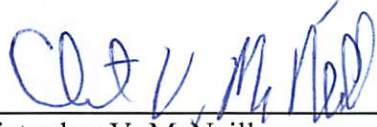
CAUSE

Due to Mr. Grugan's crime of conviction, the U.S. Probation Office believes that the addition of this special condition is necessary to ensure the safety of the community. Mr. Grugan has agreed to the modification of his condition as evident by the attached Waiver of Hearing form.

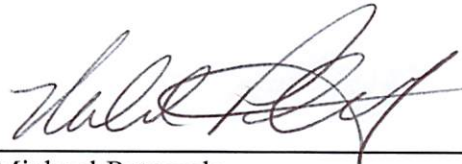
Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

Respectfully:

Approved:



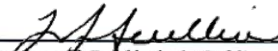
Christopher V. McNeill
Supervising U.S. Probation Officer



Michael Patnaude
Senior U.S. Probation Officer
Date: 9/25/13

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

October 3, 2013

Date

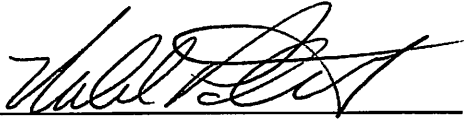
Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision


UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

I, **Thomas Grugan**, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

- 1) You shall submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.
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Witness: 
Michael Patnaude
Sr. U.S. Probation Officer

Signed: 
Thomas Grugan
Supervised Releasee

9/25/13
Date